

Everett Municipal Court
Local Court Rules

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RULE NO. 1
HOURS

The Municipal Court of Everett is open to the public as follows:

Monday - Tuesday 8:00 a.m. to 4:30 p.m.
Wednesday 8:00 a.m. to 7:00 p.m. *
Thursday - Friday 8:00 a.m. to 4:30 p.m.

*The Court will remain open past 5:00 p.m. until the last case is completed.

(Adopted effective September 1, 2005)

RULE NO. 2
CALENDARS

In-Custody Arraignments	Monday through Friday	11:15 a.m.
	Held at Snohomish County Jail	
PC Hearings	Sunday morning	
	Held at Snohomish County Jail	
Out of Custody Arraignments	Wednesday and Friday	8:30 a.m.
Non-Jury Trials	Every other Tuesday	9:00 a.m.
	Wednesday	5:00 p.m.
Jury Trials	Every other Monday and Tuesday and special set Thursdays Assignments are held on Mondays	8:30 a.m.
Motions	Wednesday	3:00 p.m.
	Every other Monday *	9:00 a.m.
	*For previously heard cases by Judge Odell, recusal or affidavit cases.	
DWLS PreTrials	Every other Wednesday	9:30 a.m.

Mitigation Hearings	Set per predetermined schedule	
Contested Hearings	Set per predetermined schedule	
Jury Confirmation	Every other Thursday *	8:30 a.m.
	*Private Attorneys	
	Every other Thursday **	9:00 a.m. and 1:30 p.m.
	** Public Defender cases	
	Cases are set eleven days prior to Jury Trial Assignment	
Show Cause Hearings	Set per predetermined schedule at least one time per month for each judge	
Domestic Violence Review Calendar	Set pre predetermined schedule	9:30 a.m. or 10:00 a.m.
DUI Review Calendar	Set pre predetermined schedule	9:30 a.m. or 10:00 a.m.
Impound Hearings	Every other Wednesday	2:00 p.m.

Holidays - When a Court session falls on a holiday, the Judge may assign an alternate date for such session.

(Adopted effective September 1, 2009)

RULE NO. 3
CONFIRMATION HEARING APPEARANCE

Appearance of the defendant and defense counsel is mandatory at the confirmation hearing, except a defendant in custody does not need to appear.

(Adopted effective September 1, 2008)

RULE NO. 4
CONTINUANCES

Continuances will be granted upon written stipulation. Per Rule CrRLJ 3.3 (f)(1), a written stipulation between the parties for a continuance must be signed by the defendant. In the absence of a Stipulation, a continuance may be granted on a showing of good cause; and in the absence of a showing of good cause, said motions must be in writing and noted for hearing on or before the last motion calendar prior to the confirmation or trial date. Please see CrRLJ 3.3.

(Adopted effective September 1, 2008)

RULE NO. 5
HEARING ON MOTIONS

All non-trial motions shall be filed, served and noted for hearing at least six days prior to the date specified for the hearing. Except as specially approved by the Court, all motions will be noted for hearing on the days and time listed in Rule No. 2. No pre-trial motions shall be heard or noted for hearing on the trial date. The defendant must be present at the 3.5 hearings. 3.5 hearings

or 3.6 hearings shall be heard only upon 6 (six) court days notice with a designation of the officer(s) who may be required to testify, unless the Court authorizes otherwise.

Motions shall be set forth in writing with a memorandum of points and authorities and an affidavit setting forth specifically the facts which counsel expects to elicit at a hearing. Failure to comply with this rule will result in the Motion being stricken from the calendar. Pre-trial hearings for admission of excited utterances (Crawford/Davis Hearings) under motions for evidence under 404B are heard the Wednesday before Jury Trial and noted on the confirmation calendar unless earlier set with Court approval.

(Adopted effective date September 1, 2009)

RULE NO. 6
SETTING JURY TRIALS

A jury trial will be set at the arraignment hearing and confirmed at the confirmation hearing if all necessary participants are present and indicate that the case is ready for jury trial. A case is ready for jury trial when discovery is completed and both parties indicate to the Court that there are no further pre-trial motions, other than those heard or scheduled. A jury trial will normally be set eleven days after the confirmation hearing.

(Effective date September 1, 2006)

RULE NO. 7
VOIR DIRE

The voir dire examination of jurors shall be conducted under the direction and control of the Court with the following guidelines:

1. It is expected that voir dire, in most cases, will consume one hour time or less.
2. The Court shall ask all general questions and thereafter shall give leave to the respective parties to ask such supplementary questions as may be deemed proper and necessary by the Court. The parties shall submit all proposed general questions in writing prior to voir dire.
3. The Court may intervene without objection in instances of inappropriate questioning and may limit the amount of time each party has to examine a juror or jury panel.

(Effective date September 1, 1996)

RULE NO. 8
MISCELLANEOUS

1. AFFIDAVITS OF PREJUDICE

Upon the timely filing of an affidavit of prejudice, further proceedings shall be assigned to another judge or to a judge pro-tem of the Court.

2. WITHDRAWAL OF COUNSEL

An attorney appointed for a defendant or hired by a defendant pursuant to CrRLJ 3.1 shall not withdraw as counsel without consent of the Court upon good cause shown.

(Effective date December 8, 2005)

RULE NO. 9
CONDITIONS OF SUSPENDED AND DEFERRED SENTENCES ON CRIMINAL AND TRAFFIC MATTERS

The following general conditions are applicable to all suspended and deferred sentences and determents of a finding of guilty given in traffic and criminal cases. For purposes of this rule, "probation" shall refer to any one of the three categories:

a. General Conditions: During the period of probation or suspension the defendant shall not be convicted, forfeit bail, be awaiting sentencing or be under a deferred sentence or finding of guilty, with respect to any offense or claimed offense occurring after the date on which probation in this Court was granted. Further, any conduct reflecting moral turpitude or recklessness with respect to the operation of a motor vehicle will be considered a violation whether or not any charges are filed or carried to judgment.

b. Specific Conditions: The defendant must comply with the conditions specifically imposed by the Court and the conditions imposed by the department to which the defendant may be referred to sentence performance.

c. Release from Probation: The defendant may be notified in writing by the clerk to appear at a hearing calendar on a certain date and time, at which time the defendant may be required to sign a written statement under oath and penalty of perjury with respect to compliance with the condition(s) of probation or suspension. In such case, the defendant will be required to appear in open court, may be sworn and be interrogated with respect to compliance.

d. Revocation of Probation: If, during the period of probation or suspension, information is received tending to show there is good reason to believe that the terms of probation are being violated, the Court may order the defendant to appear before the Court for a hearing on the question on whether or not the defendant is strictly complying with the terms of probation. The defendant may be represented by counsel and offer evidence at such hearing. If the Court finds that the defendant has not strictly complied with the terms and conditions of probation or suspension, the Court will take action which may result in a harsher penalty.

e. Further Information: The defendant should contact the probation office as often as may be necessary to understand the conditions of the deferral, suspension or probation, particularly the conditions that are specific to the defendant's case. The defendant must at all times advise the Court of his/her current address and stay current with all fines and costs owing.

(Adopted Effective September 1, 2008)

RULE NO. 10
DEFERRED PROSECUTION

In addition to the statutory conditions and requirements of deferred prosecution, each defendant shall pay the monitoring assessment to the Municipal Court in the amount of \$150.00 plus the BAC fee and any other costs related to the case. All defendants placed on a deferred prosecution will also be placed on five-year probation: Active Supervised Probation for two years and Monitored Probation for three years. They will be required to pay the fees for Probation. Restitution is required as a condition of a deferred prosecution if applicable. Deferred Prosecution defendants will have ignition interlock installed on all personal vehicles, which they drive, during their period of Active Supervised Probation. An Order will not enter without the written signed contract for treatment being presented to the Court.

(Adopted effective September 1, 2008)

RULE NO. 11
RULES OF EVIDENCE

The Rules of Evidence are applicable to Criminal prosecutions.

(Adopted effective September 1, 1996)

RULE NO. 12
INFRACTION WITNESS FEES

Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. The party requesting the witness shall pay the witness fees and mileage expenses due that witness. Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the court to have committed the infraction, may be required to pay the fee charged by the expert as a cost incurred by the party.

(Adopted effective September 1, 2008)

RULE NO. 13

(1) The clerks of the court may accept for filing documents sent directly to the clerk by electronic facsimile (fax) transmission. A fax copy shall constitute an original for all court purposes. The attorney or party sending the document via fax to the clerk shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on DATE) VIA FAX FOR FILING IN COURT.

(2) If a document is transmitted by facsimile for filing with the court, the person responsible for the filing must attach an original affidavit as the last page of the document. The affidavit must bear the name of the court, case caption, case number, the name of the document to be filed, and a statement that the individual signing the affidavit has examined the document, determined that it consists of a stated number of pages, including the affidavit page, and that it is complete and legible. The affidavit shall bear the original signature, the printed name, address, phone number and facsimile number of the individual who received the document for filing.

(3) The clerk of the court may use fax transmission to send any document requiring personal service to one charged with personally serving the document. Notices and other documents may be transmitted by the clerk to counsel of record by fax.

(4) The Court reserves the right to charge reasonable fees for receiving, collating, and verifying lengthy fax transmissions.

(5) A document transmitted directly to the clerk of the court shall be deemed received at the time the clerk's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(Adopted effective September 1, 2004.)

RULE NO. 14

Any of these Rules may be suspended or modified by the Court upon its own motion.

(Adopted effective September 1, 2000)
